

REMARKS

Claims 1, 3, 5-10, 12, and 15-20 are pending in the application. Claims 2, 4, 11, 13, and 14 have been cancelled. Claim 20 has been added. Claims 1 and 5 have been amended. Claims 1, 15, and 20 are in independent form.

Claim Rejections – 35 U.S.C. §102

1. Claims 1-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent 5,575,172 to Bonny et al. ("the '172 reference"). Applicant respectfully traverses the rejection.

The Examiner identifies the movable tool 2 and the stationary tool 3 in the '172 reference as equivalent to the hydroforming die member (14) in the above-captioned application. The Examiner identifies the working cylinders 8 in the '172 reference as equivalent to the hydroforming press (16, 18) and the housing (22) in the above-captioned application. The Examiner identifies the pull rods 10 in the '172 reference as equivalent to the shaft (30) in the above-captioned application. The Examiner identifies the holding plate 12 in the '172 reference as equivalent to the spacer (29) in the above-captioned application.

Claim 1, as amended, includes the limitation "each of the fasteners (24) being secured to the press housing (22) at one end of the shaft (30) and the shoulder (32) of the fastener (24) received within one of said pair of slots (28) formed in the lower die (21) for connecting the lower die (21) and press (16, 18) and aligning the tube engaging structure with the end portion of the die cavity, and the spacer (29) extending between the lower die (21) and press housing (22) to space the press housing (22) a predetermined distance from the lower die (21)."

The '172 reference does not disclose a spacer extending between a lower die member and a press housing to space the press housing a predetermined distance from the lower die, as specifically required by claim 1 of the above-captioned application. In the '172 reference, the two pull rods 10 are anchored on the working cylinder 8 in a holding plate 12 which is screwed to the piston-rod-side face of the working cylinder 8. See column 6, lines 6-9.

The holding plate 12 is fixed to the piston-rod-side face of the working cylinder 8. Clearly, the holding plate 12 does not extend between the movable and stationary tools 2, 3 and the working cylinder 8 to space the working cylinder 8 a predetermined distance from the movable and stationary tools 2, 3.

A claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference. *Celeritas Techs. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998). The '172 reference does not disclose a spacer extending between a lower die member and a press housing to space the press housing a predetermined distance from the lower die, as specifically required by claim 1 of the above-captioned application. Therefore, the '172 reference does not disclose each and every limitation in claim 1 of the above-captioned application.

Applicant has cancelled claims 2, 4, 11, 13, and 14.

Claims 3, 5-10, and 12 depend from claim 1 and, as such, are construed to incorporate by reference all the limitations of the claim to which they refer, *see* 35 U.S.C. §112, fourth paragraph. Thus, claims 3, 5-10, and 12 are allowable.

Claim 15 includes the limitation "providing a spacer (29) disposed about the fastener (24) to space the die member (14) relative to the press housing (22)."

As stated above, the Examiner identifies the movable tool 2 and the stationary tool 3 in the '172 reference as equivalent to the hydroforming die member (14) in the above-captioned application. The Examiner identifies the working cylinders 8 in the '172 reference as equivalent to the hydroforming press (16, 18) and the housing (22) in the above-captioned application. The Examiner identifies the pull rods 10 in the '172 reference as equivalent to the shaft (30) in the above-captioned application. The Examiner identifies the holding plate 12 in the '172 reference as equivalent to the spacer (29) in the above-captioned application.

The '172 reference does not disclose the step of providing a spacer to space a die member relative to a press housing, as specifically required by claim 15 of the above-

captioned application. In the '172 reference, the two pull rods 10 are anchored on the working cylinder 8 in a holding plate 12 which is screwed to the piston-rod-side face of the working cylinder 8. See column 6, lines 6-9. Clearly, the holding plate 12 is not provided to space the movable and stationary tools 2, 3 relative to the working cylinder 8.

A claim is anticipated if each and every limitation is found either expressly or inherently in a single prior art reference. *Celeritas Techs. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998). The '172 reference does not disclose the step of providing a spacer to space a die member relative to a press housing, as specifically required by claim 15 of the above-captioned application. Therefore, the '172 reference does not disclose each and every limitation in claim 15 of the above-captioned application.

Claims 16-19 depend from claim 15 and, as such, are construed to incorporate by reference all the limitations of the claim to which they refer, *see* 35 U.S.C. §112, fourth paragraph. Thus, claims 16-19 are allowable.

Therefore, Applicant respectfully requests that the rejection of claims 1-19 under 35 U.S.C. §102(b) as being anticipated by the '172 reference be withdrawn.

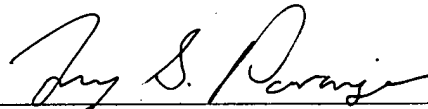
Applicant has added new independent claim 20. Claim 20 claims a hydroforming apparatus including a hydroforming die assembly including an upper die and a lower die, the upper die and lower die cooperating to form a die cavity therebetween, the lower die having a pair of slots, the pair of slots positioned adjacent an end portion of the die cavity; a hydroforming press having a tube engaging structure moving through a housing; a pair of fastener assemblies, each one of the pair of fastener assemblies including a fastener having a shaft extending between a shoulder end and a threaded end for mating with a nut, and a spacer disposed about the shaft; each fastener secured to the housing at the threaded end of the shaft by the nut and the shoulder of the fastener received within one of the pair of slots formed in the lower die for connecting the lower die and the hydroforming press and aligning the tube engaging structure with the end

portion of the die cavity, wherein the spacer extends between and directly abuts the lower die and the housing to space the housing a predetermined distance from the lower die.

The '172 reference does not disclose a fastener secured to a housing at a threaded end of a shaft by a nut and a shoulder of the fastener received within a slot formed in a lower die for connecting the lower die and a hydroforming press and aligning a tube engaging structure with an end portion of a die cavity, wherein the spacer extends between and directly abuts the lower die and the housing to space the housing a predetermined distance from the lower die. Therefore, claim 20 is neither taught nor disclosed by the '172 reference.

It is respectfully submitted that this patent application is in condition for allowance, which allowance is respectfully solicited. If the Examiner has any questions regarding this amendment or the patent application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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